

ORDINANCE NO. 25-003

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, CHAPTER 125 – ZONING, ARTICLE III – ESTABLISHMENT OF ZONES, SECTION 125-157 – DESIGNATION OF OVERLAY DISTRICTS, CREATING SUBSECTION (3) – PORT OVERLAY DISTRICT, TO CREATE AND ESTABLISH THE PORT OVERLAY DISTRICT (POD); PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission directed staff at its December 14, 2020, City Commission Conference Agenda meeting to bring forward a rezoning of the area identified within the Port of Fort Pierce Masterplan in order to promote redevelopment of such; and

WHEREAS, the implementation of the Port Overlay District (POD) and Port Zone Overlay District Areas (PODA) will encourage the redevelopment of the Port of Fort Pierce by promoting the area defined within the Port of Fort Pierce Masterplan for maritime and marine related commercial and marine industrial uses; and

WHEREAS, the City of Fort Pierce Planning Board held a properly noticed hearing at a regularly scheduled meeting to consider the revisions, and at their _____, 2024, meeting, voted _____ to recommend _____ of the request.

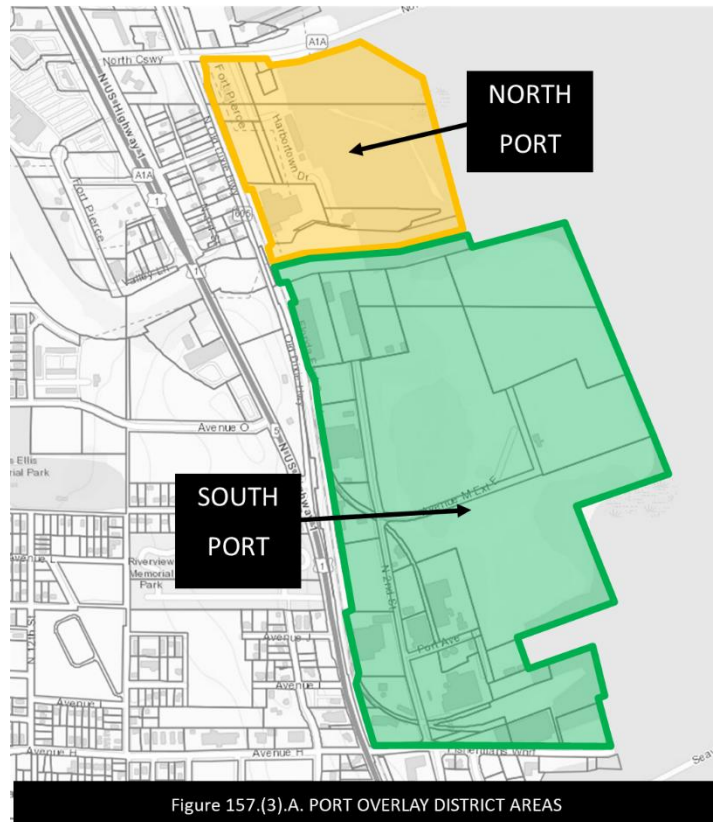
NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida:

SECTION 1. Chapter 125 – Zoning, Article IV, Basic Zoning Districts, Section 125-157, Designation of Overlay Districts, Subsection (c), Port Overlay District is hereby created and the same shall read as follows:

Sec. 125-157 – Designation of overlay districts.

(c) Port Overlay District

- a. Purpose. The intent of the Port Overlay District (POD) and the designated Port Overlay District Areas (PODA) is to provide suitable locations within the Port of Fort Pierce (POFP) for port activities and compatible marine commercial, marine industrial, and supporting uses. In addition, certain water-oriented uses and uses associated with them may be permitted. The requirements in this zone recognize that certain marine oriented activities can be compatible with other activities and when combined can create a mixed-use environment.
- b. Port Overlay District. The area defined as the POD is based on the general boundary of the Port of Fort Pierce and further contains and defines two Port Overlay District Areas (PODA) and named North Port and South Port.
- c. Port Overlay District Areas. The PODA are designated in order to define the uses generally allowed within the POD which are based on the uses outlined within the approved POFP masterplan.
- d. Boundaries. The boundaries of the POD and the PODA are illustrated in figure 157(3)(A) below.



- e. Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The definitions also pertain to the

uses allowed by right or by conditional use within the POD subject to the restrictions of the PODA and the underlying Future Land Use of the property.

Berthing facility means a designated area or structure, often located within a marina or harbor, that is specifically designed for the docking, mooring, and secure storage of boats and other watercraft. This facility typically includes docks, piers, or slips equipped with cleats, bollards, or mooring lines to facilitate the safe and stable positioning of vessels.

Boat servicing means maintenance, repair, and care provided to boats and watercraft to ensure their safe and efficient operation. This includes a range of services such as engine tune-ups, hull cleaning, electrical system repairs, painting, and routine inspections. Boat servicing can be performed by professional marine technicians or mechanics and is essential for maintaining the boat's performance, extending its lifespan, and preventing costly repairs. Services may vary based on the type of boat, frequency of use, and specific maintenance needs. Boat servicing includes vessel repair.

Concrete facility means a specialized industrial site, plant, or terminal where concrete is produced, processed, or stored. These facilities typically include equipment and structures for mixing raw materials such as cement, water, sand, and gravel or crushed stone to create concrete. Concrete facilities may also include areas for curing, batching, and quality control, as well as storage spaces for raw materials and finished products.

Education facility means land, buildings, or structures used for providing academic, commercial, or curriculum-based educational services.

Export Operations means the processes and activities involved in preparing and shipping goods from one country to another for sale or distribution. This includes managing documentation, ensuring compliance with international trade regulations, arranging transportation, handling customs clearance, and coordinating with various stakeholders such as freight forwarders, customs agents, and logistics providers.

Freight facility means specialized locations designed for the storage, handling, sorting, and distribution of goods being transported by various modes, including trucks, trains, ships, and aircraft. These facilities serve as hubs in the logistics and supply chain, where goods are temporarily stored, consolidated, or transferred between transport types to reach their final destinations. Freight facilities may include warehouses, rail yards, distribution centers, laydown yards, open storage, and intermodal terminals, often equipped with loading docks, cranes, and other infrastructure.

Fuel Storage and Distribution means the activities, processes, and facilities involved in safely and efficiently storing, handling, and transporting fuel from production facilities to refueling stations and end users. This includes storing

fuel in large tanks or reservoirs, maintaining safety and environmental standards, and using pipelines, tankers, trucks, or barges for delivery.

Fueling means the process and designated area on a property where flammable or combustible liquids or gases are stored and dispensed from fixed equipment to fuel tanks of marine vessels, vehicles, aircraft, machinery, or equipment to power their engines and enable operation. This process can take place at fueling stations, docks, or through mobile fueling services, where fuel is transferred from a storage source into a fuel tank.

Greenway means a designated corridor of protected land, often containing trails and natural vegetation, that is created for recreational use, conservation, and connecting communities. Greenways are typically linear spaces that follow natural landscapes such as rivers, abandoned railways, or urban pathways, providing areas for walking, biking, and wildlife habitats. They promote environmental preservation, enhance scenic beauty, and support sustainable urban planning by creating safe, accessible routes for non-motorized transportation and outdoor activities.

Import Operations means the processes and activities involved in bringing goods into a country from abroad for sale, distribution, or manufacturing. This includes coordinating transportation, managing import documentation, ensuring compliance with customs and regulatory requirements, handling duties and taxes, and inspecting goods upon arrival. Import operations are critical for enabling businesses to access international products, materials, and resources, and require collaboration with customs brokers, logistics providers, and regulatory agencies to ensure efficient and legal entry of goods into the market.

Heliport means a designated land area or roof structure, often equipped with one or more landing pads, where helicopters can take off, land, and sometimes be stored or refueled. Heliports are used for the pickup or discharge of passengers and cargo and are typically outfitted with safety and navigational aids, lighting, and sometimes terminal facilities to accommodate passengers or freight.

High and dry boat storage means facilities, structures, or designated spaces located landward of the high watermark, designed to keep various watercraft safe from water exposure when not in use. This includes boat racks, boat houses for yachts and mega yachts, boat storage condos, and customized dry docks. These facilities provide dry, elevated places that facilitate the efficient removal and return of boats, kayaks, Jet Skis, and other watercraft to the water, often utilizing specialized equipment such as lifts, hoists, or cranes to ensure easy and safe access.

Light Industrial means activities or facilities dedicated to the manufacturing, processing, assembly, storage, distribution, or repair of goods and materials. This category includes facilities such as factories, warehouses, distribution centers, laboratories, and plants, where raw materials or components are

transformed into finished products or goods are stored and prepared for distribution. Light industrial use may also encompass activities related to machinery, technology production, waste processing, and energy generation, often requiring specialized equipment, substantial infrastructure, and adherence to specific environmental and safety standards.

Lodging, condominium means a type of residential property ownership where individuals own a specific unit within a multi-unit building or complex, along with a shared interest in the common areas, such as hallways, parking lots, gardens, and amenities like pools or gyms. Unlike apartments, which are typically rented, condominiums are individually owned and may be lived in by the owner or rented out. Condominiums are governed by a homeowners' association (HOA), which manages the property's upkeep, enforces rules, and collects fees from owners to cover maintenance and shared expenses.

Lodging, corporate residential means housing provided on-site, with a priority given to workers employed in connection with uses in and around the POFP and available to rent on a temporary and flexible basis.

Lodging, resort accommodations means a facility that provides transient lodging accommodations to the general public, including individuals, families, and groups, catering to both leisure and business travelers. In addition to offering temporary lodging, these facilities provide a broad range of services and amenities such as dining options, meeting and event spaces, entertainment, wellness and recreational facilities, and concierge services. Many also feature shopping areas and other conveniences to enhance the guest experience. Resorts often include unique attractions or themed experiences, outdoor recreational areas, and expansive grounds designed for relaxation, adventure, or specialized activities.

Marinas means docks, boatslips, and facilities which provide moorage, launching, storage, supplies, and a variety of services for recreational, commercial fishing and charter fishing vessels. They are differentiated from docks/moorages by their larger scale, the provision of significant landside services and/or the use of a solid breakwater (rock, bulkheading, etc.).

Marine industrial means activities, facilities, or industries located near or on bodies of water that support the assembly, production, warehousing, storage, maintenance, transport, and operation of vessels, equipment, and infrastructure related to maritime activities. This includes the production and sale of fishing equipment and supplies, boat construction, dry land boat storage, shipyards, marine repair facilities, docks, freight handling, fuel and resource distribution, fish processing, commercial fishing operations, and related logistics, sales, and supply operations. Marine industrial operations often require specialized equipment, waterfront access, and adherence to environmental regulations due to their proximity to aquatic ecosystems.

Marine related retail means the sales of boats, boat rental, boat and marine accessories and parts and related supplies, fishing equipment, and fishing licenses.

Passenger vessel means a day trip or cabin vessel constructed and equipped to carry passengers.

Passive Park and Recreation means passive recreation, greenway, and stormwater recharge uses, and public facilities necessary to support development on nearby buildable lands and water-related development.

Rail. The rails, ties, ballasts, switching and makeup yards, lines and sidings for service wharves and piers, railroad right-of-way freight terminals' team-tracks and spur tracks, spur and all related apparatus or appurtenances attached thereto which are necessary for the operation of a railroad.

Restaurant means a use where food and beverages are offered for sale to the public for consumption at tables or counters either inside or outside the building on the lot.

Retail, bulk material means retail facilities that specialize in the sale of large quantities of raw or unprocessed materials, such as gravel, sand, cement, chemicals, or agricultural products. These establishments receive bulk shipments via combined modes of transportation, typically involving ships for large-scale delivery to port facilities, followed by railroad or truck transport to the retail location. This logistics setup enables them to efficiently supply bulk materials directly to industrial customers, construction sites, or agricultural operations.

Retail, marine related means businesses and establishments that focus on the sale of goods, services, and equipment specifically for the marine industry. This includes products like boats, fishing gear, marine electronics, safety equipment, and other items essential for boating, fishing, water sports, and maritime activities. Marine-related retail may also include services such as boat repair, maintenance, and marina supplies that support the needs of recreational and commercial boating communities.

Shipping, marine means the transport of goods and materials over water, using cargo ships, tankers, container vessels, and other types of maritime vessels. It is a vital part of global trade and logistics, enabling the movement of large quantities of raw materials, manufactured goods, and energy resources across oceans, seas, and inland waterways. Marine shipping encompasses various services, including loading, unloading, warehousing, and logistical coordination at ports. Marine shipping includes but is not limited to coastline shipping, regional shipping, international shipping, and transoceanic shipping.

Ship supply establishment means businesses or facilities that provide essential goods, equipment, and services to ships, vessels, and their crews. These establishments supply a wide range of items such as food, fresh water, fuel, spare parts, safety equipment, and navigational tools, ensuring that

vessels are adequately stocked and maintained for their journeys. Ship supply establishments often work in ports and harbors, catering to the logistical needs of commercial, cargo, and passenger ships, as well as smaller maritime vessels.

Shipyards. A yard, place, or enclosure where ships are built, maintained, restored, retrofit, or repaired.

Space industry means the sector of the economy involved in the development, manufacturing, and deployment of technology and services for space exploration, research, and commercial applications. This includes the production of satellites, spacecraft, rockets, space stations, and other equipment used for launching and operating in space. The space industry also encompasses related services, such as satellite communications, Earth observation, space tourism, and scientific research conducted in orbit. This industry involves both government agencies and private companies working on projects ranging from launching payloads to deep-space missions and planetary exploration.

Stormwater recharge means the process by which stormwater, typically from rainfall or runoff, is directed back into the ground to replenish groundwater supplies. This helps reduce surface water runoff, mitigate flooding, and sustain groundwater levels, which is crucial for drinking water, irrigation, and maintaining the health of ecosystems. Stormwater recharge often involves permeable surfaces, infiltration basins, and other engineered systems that encourage water to filter through soil layers naturally.

Port Terminal Facilities means one or more structures comprising a terminal unit, which include, but are not limited to, wharves, warehouses, covered and/or open storage spaces, cold storage plants, cranes, grain elevators and/or bulk cargo loading and/or unloading structures, landings, and receiving stations, used for the transmission, care and convenience of cargo and/or passengers in the interchange of same between land and water carriers or between two water carriers.

Water-dependent use means the use or a portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, or float plane facilities.

Water-related use means a use which provides goods and/or services that are directly associated with water-dependent uses (supplying materials to, using products of or offering commercial or personal services to water-dependent uses).

- f. District Uses. Permitted and Conditional uses allowed within each PODA are identified in table 157(3)(B). Port Overlay District Permitted and Conditional Uses.

PORT OVERLAY DISTRICT (POD) PERMITTED AND CONDITIONAL USES	NORTH PORT		SOUTH PORT	
	<u>P</u>	<u>C</u>	<u>P</u>	<u>C</u>
<u>Berthing facility</u>	<u>X</u>		<u>X</u>	
<u>Boat Servicing</u>	<u>X</u>		<u>X</u>	
<u>Concrete facility</u>	<u>X</u>		<u>X</u>	
<u>Education facility – Marine</u>	<u>X</u>		<u>X</u>	
<u>Environmental and cultural resource - Marine</u>	<u>X</u>		<u>X</u>	
<u>Export operations</u>	<u>X</u>		<u>X</u>	
<u>Freight facility</u>	<u>X</u>		<u>X</u>	
<u>Fueling</u>	<u>X</u>		<u>X</u>	
<u>Fuel Storage and Distribution < size</u>	<u>X</u>		<u>X</u>	
<u>Fuel Storage and Distribution > size</u>		<u>X</u>		<u>X</u>
<u>Greenway</u>	<u>X</u>		<u>X</u>	
<u>Heliport</u>		<u>X</u>		<u>X</u>
<u>High and dry boat storage</u>	<u>X</u>		<u>X</u>	
<u>Import operations</u>	<u>X</u>		<u>X</u>	
<u>Light Industrial</u>	<u>X</u>		<u>X</u>	
<u>Lodging, condominium</u>		<u>X</u>		<u>X</u>
<u>Lodging, corporate residential</u>		<u>X</u>		<u>X</u>
<u>Lodging, resort accommodations</u>		<u>X</u>	<u>X</u>	
<u>Marina</u>	<u>X</u>		<u>X</u>	
<u>Marine Industrial</u>	<u>X</u>		<u>X</u>	
<u>Passenger Vessel</u>	<u>X</u>		<u>X</u>	
<u>Passive Park, Recreation, Stormwater Recharge</u>		<u>X</u>	<u>X</u>	
<u>Rail</u>	<u>X</u>		<u>X</u>	
<u>Restaurant</u>	<u>X</u>		<u>X</u>	
<u>Retail – Bulk Material</u>	<u>X</u>		<u>X</u>	
<u>Retail - Marine Related</u>	<u>X</u>		<u>X</u>	
<u>Shipping, Marine</u>	<u>X</u>		<u>X</u>	
<u>Ship Supply Establishment</u>	<u>X</u>		<u>X</u>	
<u>Shipyard</u>	<u>X</u>		<u>X</u>	
<u>Space Industry</u>	<u>X</u>		<u>X</u>	
<u>Terminal Facilities</u>	<u>X</u>		<u>X</u>	
<u>Vessel Repair</u>	<u>X</u>		<u>X</u>	
<u>Other Water-dependent Use</u>		<u>X</u>		<u>X</u>
<u>Other Water-related Use</u>		<u>X</u>		<u>X</u>

Figure 157(3)(B): Permitted and Conditional Uses allowed within the Port Overlay District by PODA (P=permitted, C=conditional)

- g. Basic use standards. Land development in the POD must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by the conditional use process.
- (1) Lot size. There are no minimum lot area, width, or depth requirements.
 - (2) Impervious coverage. Maximum impervious lot coverage is regulated by the required stormwater treatment.
 - (3) Maximum Building height. Is regulated by the Floor Area Ratio (FAR) of the Future Land Use.
 - (4) Stacking of cargo containers shall not exceed 60 feet.
- h. Special conditional use criteria. No conditional use outside of the conditional uses set out in figure 157(3)(B) will be considered in the POD unless it meets one or more of the following criteria:
- (1) The use is a water-dependent use, which means that it can best be carried out on, in, or adjacent to water and the location or access is needed for:
 - i. Waterborne transportation (such as navigation; mooring, fueling and servicing of ships or boats; terminal and transfer facilities; fish or other resource and material receiving and shipping), or
 - ii. Recreation (active recreation such as swimming, boating, or fishing; passive recreation such as viewing or walking), or
 - iii. A source of water (such as energy production, cooling of industrial equipment or wastewater or other industrial processes), or
 - iv. Marine research or education (such as viewing, sampling, recording information, conducting experiments or teaching).
 - (2) The use is a water-related use, which means that:
 - i. It provides goods and/or services that are directly associated with water-dependent uses (supplying materials to, using products of or offering commercial or personal services to water-dependent uses), or
 - ii. If it were not located near the water, it would experience a public loss of quality in the goods and services offered (evaluation of public loss of quality will include a subjective consideration of economic, social, and environmental consequences of the use), or
 - iii. The use, which is not the primary use of the structure, shares an existing structure with a water-dependent use or water-related use and the combination results in a multiple use facility, or
 - iv. The project provides significant public access or recreation uses through the provision of waterfront seating, walkways, piers, street furniture or similar facilities, or

- v. The use is an accessory use important to the operations of the principal use.
- i. Other applicable use standards.
 - (1) All development will require a POD site plan review. The appropriate application and documentation shall be filed with the Planning Department.
 - (2) All development will comply with city regulations applicable to access, parking and loading standards. Alternatively, projects may utilize the most current version of the ITE parking generation manual. For mixed use projects, shared parking is encouraged, and parking requirements shall be determined by a parking analysis prepared by a licensed (PE) Traffic Engineer and if considered appropriate shall be approved by the Planning Director or designee.
 - (3) All development will comply with city standards applicable to stormwater management standards. Innovative stormwater treatment solutions may be supported if accompanied by a licensed (PE) Engineer's signed and sealed analysis and drainage statement, as approved by the Planning Director or designee.
 - (4) All development will comply with applicable city landscaping standards. Alternative landscape design proposed by a licensed Landscape Architect, shall be approved if considered appropriate by the Planning Director or designee.
 - (5) The standards contained within the City's Aquatic Conservation Zones (A-1) and (A-2) shall not apply to the boundaries of the POD.
 - (6) Upon being deemed sufficient, applications for permitted uses shall be reviewed through the minor site plan process.
 - (7) Upon being deemed sufficient, Conditional uses will be reviewed and approved through the major site plan process.
 - (8) Signs will comply with the applicable city standards
- j. Applicability of other code provisions not in conflict herein. All regulations of the City's Code of Ordinances not directly in conflict herewith are applicable to a POD site plan.
- k. Easements. Easements necessary for the orderly extension and maintenance of public utilities, roads and/or other special needs which may be required shall be provided.
- l. Phasing. Each phase of development must be planned and related to previous and future development phasing, surrounding properties, and available public facilities and services, to ensure all phases of development will not adversely impact drainage, utilities, access, parking, or the traffic flow of the completed phases.

- m. Expiration of approval. POD site plans shall specify expiration date as part of a timetable of development. If building permits are not received within the approved timetable, then the site plan is deemed expired, and a revised site plan and timetable will be required to be submitted and approved prior to the undertaking of development activity.
- n. Variances are not necessary. The specific development standards will be contained in the approved site plan for each development listed within the development order which normally considers those matters which might otherwise be the subject of variance review by the board of adjustment.
- o. Unregulated activities. The provisions of this district will not be interpreted to prohibit or regulate the following activities, unless the prohibition or regulation is specifically stated as a condition of approval of a conditional use:
 - (1) Filling.
 - (2) Dredging.
 - (3) Dredged material disposal.
 - (4) Bankline/stream alteration.
 - (5) Construction and repair of shoreline stabilization structures, mosquito control structures and dikes.
 - (6) Installing types of navigational structures not previously listed in this subsection.

SECTION 2. The boundaries of the Port Overlay District (POD) and the Port Overlay District Areas (PODA) therein are depicted at **Exhibit A**, attached hereto, and adopted herewith.

SECTION 3. The legal descriptions of the parcels subject to the rezoning of the Port Overlay District (POD) are described at **Exhibit B**, attached hereto, and adopted herewith.

SECTION 4. All ordinances or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 5. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, which shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. This Ordinance shall take effect immediately upon passage.

APPROVED AS TO
FORM AND CORRECTNESS:

Sara Hedges, Esq.
City Attorney

STATE OF FLORIDA COUNTY OF ST. LUCIE

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 24-NNN was duly advertised by title only in the St. Lucie News Tribune on _____, 2024; copy of said Ordinance was made available at the Office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on _____, 2024; and was duly introduced, read by title only, and passed on second and final reading on _____, 2024, by the City Commission of Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this _____ day of _____, 2024.

Linda Hudson, Mayor

ATTEST:

Linda W. Cox
City Clerk

(SEAL)

EXHIBIT A
BOUNDARY OF THE PORT OVERLAY DISTRICT (POD) AND PORT OVERLAY
DISTRICT AREAS (PODA)

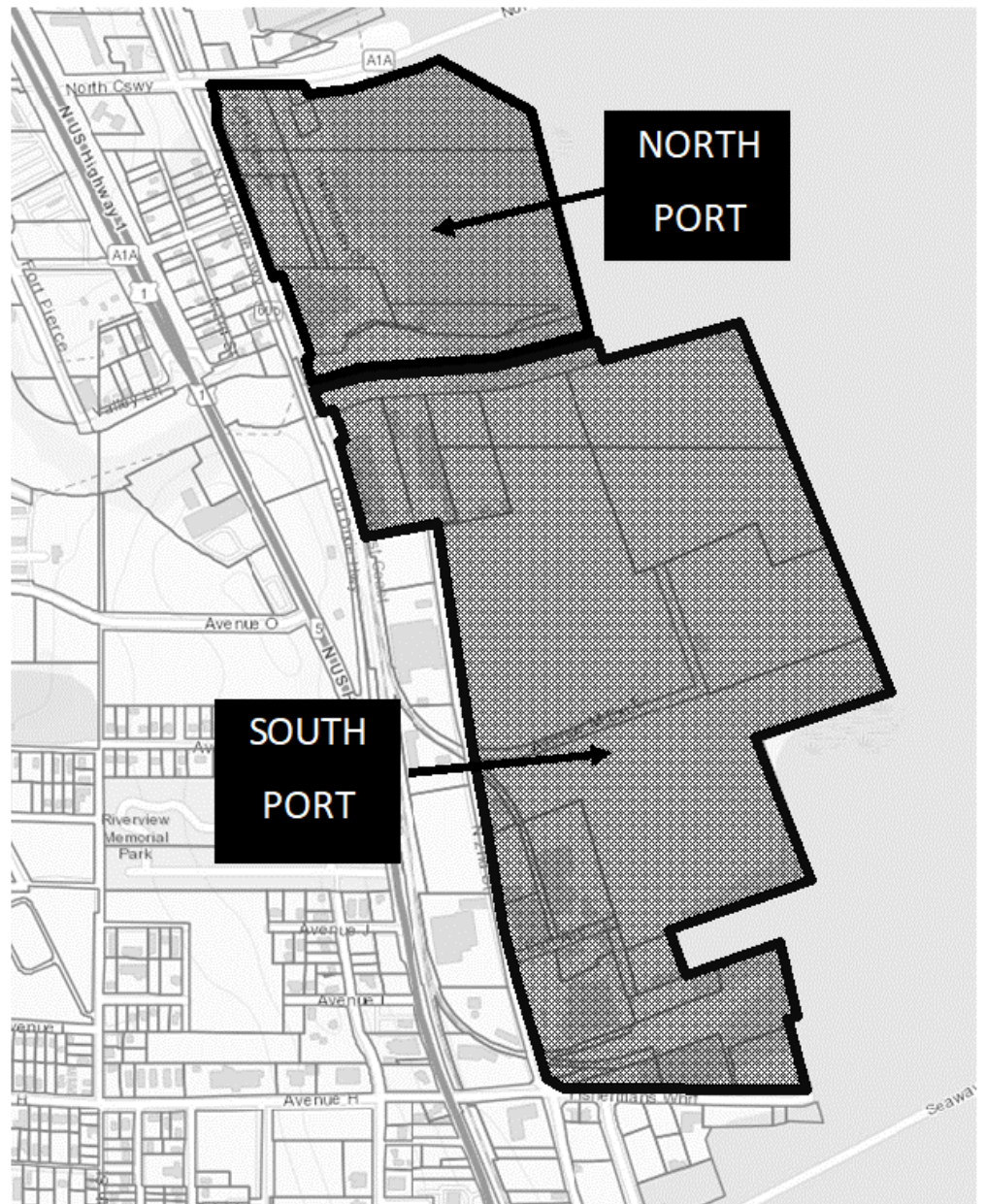


EXHIBIT B
LEGAL DESCRIPTIONS OF PARCELS LOCATED WITHIN THE PORT OVERLAY
DISTRICT (POD)

TO BE ADDED

